

**MINUTES OF THE WVHDC REGULAR MEETING 8/24/04, AS  
APPROVED ON 9/28/04**

**Warren Voluntary Historic District Committee**

**Tuesday, August 24, 2004**

**I. Meeting Second Floor Conference Room Warren Town Hall**

**II. Present Eileen Collins (EC), John DaSilva (JD), Richard O'Brien (RO), Patricia Read (PR), Ed Theberge (ET), John Treat (JT), William Hanley (WH), Building Official**

**III. Absent Richard Valente (RV)**

**IV. Next Meeting: Regular September 28, 2004**

**V. Meeting called to order at 7:07 p.m. (ET)**

**Note: In matters regarding 64 Church Street or 66 Church Street (Old Warren Marina) or 90 Baker Street (Tony's Wharf), members EC, RO and PR are recused from discussion and voting because they are abutters, but remain present. For all other matters, members EC, RO and PR participate fully. Upon advice of former Town Solicitor A. DeSisto, person least compromised may vote in situation where lack of quorum would otherwise postpone an issue.**

**OLD BUSINESS**

**A. Minutes of 7/27/04 Meeting**

**EC noted that building on Bridge Street referenced in minutes was a**

**one-room schoolhouse that had been moved in the 1902s from its original location at the Fore 'n Aft.**

**JT moved to accept minutes as written; EC seconded, all approved.**

## **B. Information Session**

**JT provided an update on the planning and execution. He reminded committee members that the target audience is property owners in the historic district (600) and historic properties outside the district (90), as well as contractors. The date will be November 13, 2004. The location is the United Methodist Church in Warren. We'll be offering coffee, some food and more.**

**JT reported that the budget is almost complete. Program development is in the early states but moving along nicely. At the heart is a take-away program book that incorporates the presentation at the session and is a resource packet to live on after the event.**

**Mercier's and JT's are on board to distribute information, help promote the event.**

**JT has is filing a grant application with Preserve Rhode Island, the administrator's of the Citizen's Bank \$1000 mini-grant program. This will be filed next week.**

**ET commented that there is a lot of work being put in, and the project seems on track.**

**C. Tony's Wharf (90 Baker Street)**

**Owners' legal counsel, Clinton Poole, noted that his recollection was the WVHDC was to have a workshop and come back to owners with feedback.**

**ET: No, the committee was to have a workshop with Poole, Pirri and DaSilveira to review design options. Also, only one drawing was submitted by the property owners. Chairman felt that one plan did not constitute "design options."**

**Pirri: We're getting two versions. The building official says nothing but bathrooms on the first floor. The WVHDC says we can't do this, we can't do that ...**

**ET: Last September the WVHDC gave Pirri's group a packet. The fact is, there are rules and regulations you need to adhere to (historic easement, flood zone, FEMA, et al). If you feel satisfied that this one design meets all that, then we can schedule a workshop.**

**WH: The ground floor must be supported on individual pilings for the V zone; the other portion can be bathroom. Owners still haven't discussed materials, infill and other structural elements. The first drawing showed heavy doors, which the Building Official opposes. He'd support light weight, breakaway.**

**ET: If you're confident that your presentation is satisfying all of these**

needs, then go ahead with the workshop.

JT: If you read down to page two of the July minutes, you'll see where we are. This is a retread of issues. The key is that Pirri was to forward alternate designs (emphasis on plural), then schedule a workshop. JT recalls that the Chairman asked at that meeting that all members be available, and they have made themselves available.

DaSilveira: This design, plus the previous version, constitute multiple options.

WH: This design appears to meet engineering needs.

ET: Did you have the requirements at hand?

DaSilveira/Pirri: They reviewed with Building Official.

JT: You haven't requested the workshop.

Poole: His clients needed minutes earlier. He himself only knew about the meeting today (August 24) when his client called.

WH: Let's schedule workshop today. Can Pirri/DaSilveira have Tony Guida draw up some more versions?

DaSilveira: Will not ask him two. He feels they have three designs they're going to stick to.

JD: There are two sets of rules. The first set includes Building Official's rules for the V zone; the second includes the WVHDC's requirements for the historic district.

Poole: The WVHDC's rules are visual only.

JD: He believes issue was that committee didn't want to see pilings. Options presented by property owners should address the visual of the pilings and state how it meets both sets of rules while skirting the building. Please understand charges for/from each group. What he

hopes will come out of the workshop is a happy medium. The question is architectural. What can you skirt a building with and still comply with Building Official's regulations? Property owners need to provide multiple options.

DaSilveira: He's in shock with the way Warren's doing the waterfront. He feels the problem is that the WVHDC won't agree with the Building Inspector. He feels he's gotten nothing but aggravation from the WVHDC, especially from Ed Theberge. DaSilveira feels the town is against them. It's ridiculous.

ET: Please remember you signed an easement and committed to work with this committee.

Poole: That easement is not for ever.

ET: Let's schedule workshop.

WH: Reminding property owners that there are lots of lightweight options that break away.

Pirri: Maybe the WVHDC should have given those options to the property owners.

ET: That's what your counsel is supposed to do.

Poole: He feels breakaway option was shot down previously. He would like copies of all easements the WVHDC controls, because his understanding is that some are being negotiated.

WH: Those documents are in the Land Trust. Poole should get them.

**WVHDC Meeting August 24, 2004**

**Page Three**

**C. Tony's Wharf, continued.**

**Pirri: Building Official told him to design it with an open ground floor.**

**WH: Or screens or lattice or breakaway materials or ...**

**ET: Have the property owners looked up the regulations?**

**Poole: Yes, but the WVHDC keeps shooting down their designs.**

**ET: Let's discuss this at workshop.**

**JD: He's trying to put perspective on the issue, and keep calm.**

**Pirri's group so far has only received input from one source. So, can they do breakaway wall or not?**

**WH: Breakaway wall is not the right term. Needs to be lightweight, leaving building at 10/20 pounds of pressure. Options include panels that float.**

**JD: So, weight has to be light but material style can be chosen.**

**DaSilveira: What style options are historical? Screens? Lattice?**

**ET: WVHDC provided recommendations on historical styles last September in package. Just make it look like designs we gave property owners.**

**JD: Pick what you like, just make it look similar.**

**DaSilveira: Designs showed shakes, clapboard. He would love to cover the ground floor with these materials so he can get the rental income. How can he do this?**

**ET: That's up to professional builders. Remember to go to the building code and regulations and you'll get the requirements.**

**Poole: Show me an existing building with fake walls.**

**DaSilveira: This is set up to make it impossible for the builder.**

**[Note: At this point in the discussion, Poole exited the room.]**

**WH: Last one who spoke to him was Tony Guida. Guida had told WVHDC he'd call and schedule workshop, but never did.**

**ET: Schedule for next Tuesday? August 31 at 7:30 p.m. If unable to get full membership of committee attending, ET will call Pirri and reschedule.**

**Pirri agreed to Tuesday, August 31 at 7:30 p.m. Pirri and DaSilveira exited the room. Recused members EC, RO and PR rejoined the table.**

**JD expressed his concerns about this issue. He said he understands the property owners' frustration, too. What are we willing to accept? And, are we communicating that to the property owners? JD asked if committee would accept lightweight alternate materials. He recalls regulations say new construction in the historic district doesn't have to use traditional materials. The WVHDC should tell the property owners that so we meet halfway. Could the committee follow up with the suggestion that the skirting doesn't have to be made of wood?**

**WH: The professional at last month's meeting said they'd do just that. But, property owners did not do it.**

**ET: Please clarify FEMA vs. state building codes.**

**WH: Interpretation varies. Use dictates what can be built and how, etc. For example, it must be marine dependent built on grade.**

**JD: So, WH will be one who interprets it all. Will Building Official accept 2x4 studs?**

**WH:** For this use, he can not accept that. It's not required with this new construction. Those don't have to be there.

**JT:** The reason for regulations is insurance. The town will not qualify if we're weak on regulations in the flood zone. If they set standards, and we meet that level, then we're in sync. Are we being too restrictive or not enough?

**WVHDC Meeting August 24, 2004**

**Page Four**

**C. Tony's Wharf, continued.**

**WH:** He feels the town is right on. When he started 10 years ago, the town was on probation. The Building Official spent a lot of time studying and keeping up to date on regulations. Regulations get less specific, less prescriptive and more performance-based. They've been simplified, too. Building something new has to be done right with modern materials. WH doesn't feel there is any need for a variance on a new structure. Costs are a factor too. Insurance would be \$25,000 on a \$100,000 building that had a variance.

**PR:** Rules are impersonal, for the protection of the town's residents. She feels Pirri would be best served by having knowledgeable, experienced designer/architect working on this project at this time.

**ET:** Tony Guida can't sign off on plans because he's not an architect.

**WH:** Also, Building Official's involvement may be going too far, because the Building Inspector is not to be involved in design.

**RO: Is there a way to tell the Pirri group what the alternatives are?**

**ET: It's actually in the regulations. They just need to get an engineer to make their plans/designs according to the regulations.**

**JD: Let's provide the property owner with options spelled out for this new construction. Feels there were two miscommunications. Pirri/DaSilveira thought Building Official's rules were the only ones to meet. And, Pirri/DaSilveira think they have to use traditional materials, ie wood.**

**ET: There are more questions. How can they have a concrete enclosure on a bathroom in the flood zone?**

**WH: It is engineered to be floodproof. They could build the whole building out of materials that are floodproof, but the construction costs would be prohibitive.**

**Secretary suggested committee provide owners with a "punch list," what their designs needed to include in order to be successfully reviewed at the workshop.**

**WH: And, get committee consensus on what's been seen so far.**

**ET: He feels owners have ignored last September's packet.**

**JD: He doesn't feel it was ignored in this design.**

**RO: We need to encourage these guys in order to have the right business fit for the neighborhood. RO feels the owners are a good fit. He likes the design as is.**

**ET expressed that he felt the design was not compatible with neighborhood.**

**JD and RO expressed that they felt it was.**

**EC: She feels it shouldn't be built at all.**

**PR: We've moved beyond that issue. PR feels that the design is acceptable as presented. Openings could be filled in with lattice and be just fine.**

**JD: And, they've made a lot of changes since last September.**

**PR: She also feels owners have come a long way.**

**WH: And, remember the openings look through to clapboards or siding on the bathroom wall.**

**JT: He doesn't feel owners have reviewed state regulations, FEMA, etc. to see what can be done. And, they should.**

**JD: Committee should give owners input based on what everyone is asking of them. Reiterate that there are two different sets of regulations, the Building Official's and the historic appearance. And, point out the alternatives. Note that we are willing as a committee to consider lightweight alternate materials – these don't have to be wood – that meet the regulations set forth by the Building Official.**

**JT: Say "alternative" not lightweight. These could include landscaping.**

**ET: And, identify which sections of the code they need to look at. And, remind property owners that they must have a reputable structural engineer's stamp to get approval.**

**Committee agreed that secretary would draft letter to property owners recapping the evening's discussion, confirming the workshop date and time, and providing input as noted above.**

**WVHDC Meeting August 24, 2004**

**NEW BUSINESS**

**A. Preserve Rhode Island Sept. 4 Workshop**

**ET will be attending workshop on windows in historic preservation and will let committee know of any news.**

**B. Rules of Engagement**

**Memo from RV restated guidelines surrounding recusals. Recused members can participate as an interested individual.**

**JD: Remember that if you un-recuse yourself to meet quorum, you might be open to future legal action.**

**C. Historic Demolition Ordinance**

**ET pointed out reference in RV's memo to the Johnson Street property.**

**WH shared copy of Town Code Div. 2, Sec 4-32 through 4-35.**

**WH: The building was a story and a half with low head room. Owners received permission to do a second floor with full height plus an attic and roof. Apparently they met with issues as construction went along and had to replace more materials.**

**PR: Appears to have been brought down to the footprint. Only tiny bit of the brick foundation remains.**

**ET said he feels only 5 % of the original building remains.**

**EC: She is worried that this will continue in the district, with more 3-story buildings erected.**

**WH: This property is not in the flood zone. The permission was only to take the roof off, expand the second floor walls and add an attic and roof.**

**ET: Zoning Board has prerogative because there's nothing in the code that seems to apply to this.**

**WH noted that, per a photo of the project, the posts are still there.**

**JD: So technically the owner did not go past the first floor.**

**WH noted that the scope of the project changed as they progressed. If the scope had been this large originally, it would have been looked at differently.**

**ET asked if the committee wanted to pursue action on this case.**

**RO noted that this was a 75-year-old house.**

**ET: Might be appropriate to look at the ordinance to add a percentage and prevent de facto demolitions in the future.**

**RO: Let's close the barn doors.**

**ET asked that item be added to next month's agenda. Committee members should return to the meeting with comments and edits to the ordinance.**

#### **D. Waterfront Review**

**ET noted that in the waterfront process, the WVHDC should provide a member of the board. But, the WVHDC hasn't even been notified of when they meet. A member of the WVHDC is supposed to be notified by the Planning Board whenever they meet to discuss a property in**

**the Waterfront Review process.**

**ET asked secretary to draft letter to chairman of Planning Board that the WVHDC must be notified of recent meetings concerning 90 Baker Street.**

**WH: The point of this was to better the process, especially with siting. If a parcel came up for discussion where the WVHDC had no say (through easements) then a WVHDC really needs to be at that Waterfront Review meeting to be sure we're watching out for the Historic District interests.**

**WVHDC Meeting August 24, 2004**

**Page Six**

## **OTHER**

### **A. Updated Application**

**ER: Committee needs to formally approve the combined application for Building Official's use.**

**RO moved to approve Building Official's use of updated/combined application. PR seconded; all approved.**

### **B. Website**

**ET: Will new website be online by the November 13 info session?**

**JD: Will have met with Town Manager by the next meeting and provide an update then.**

### **C. New Construction Tax Credits**

**ET: Committee needs to get this in so the ordinance can be scheduled for a September vote.**

**PR noted she'll be absent from the November regular meeting.**

**Meeting adjourned at 9:05 p.m. PR moved, RO and EC seconded, all approved.**